REMARKS/ARGUMENTS

The claims have been amended as set forth above to further clarify features associated with the claims. Applicants believe that the claims are in condition for allowance. Reconsideration is respectfully requested.

I.   Examiner Interview Dated July 23, 2009

An interview was held on July 23, 2009. Applicants believe that an agreement was reached that the current arguments are persuasive and the claims overcome the rejections.

II.   Rejections Under 35 U.S.C. § 101

In light of the amendments herein, applicants assert that the rejection is now moot. Reconsideration is respectfully requested.

III.   Rejection Under 35 U.S.C. § 103

Claims 1, 3, 4, 18-21, 25 and 27-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,493,871 issued to McGuire et al. (hereinafter "McGuire") in view of U.S. Patent No. 6,449,654 issued to Blackwell et al. (hereinafter "Blackwell"). Applicants respectfully disagree with the rejections in the Office Action. Neither the claims of the application nor the prior art are being read as a whole. The Office Action attempts to piece together disjoint portions of McGuire and input its definition of the semantics of McGuire.

Independent claim 1 recites "creating a *manifest file* at a resource supplying computer device, the manifest file including an identifier of each of a plurality of resources of a resource group that exists at the resource supplying computer device, *wherein the manifest file mandates that each of the plurality of resources of the resource group complete a transmission between the resource supplying computer device and a resource receiving computer device and exist on the resource receiving computer device before granting access to any of the plurality of resources of the resource group on the resource receiving computer device.*" To support the above feature, the Office Action cites to column 4, lines 15-36, of McGuire. Column 4, lines 15-16, of McGuire recites as follows:

In view of the foregoing, the present invention provides a method and system of downloading update data for installing a software product on a client computer that minimizes the amount of data to be downloaded by downloading only those files needed to update the client computer. In the beginning of the downloading process, the client computer obtains from a setup server an initial setup package, which includes a setup program and a list of files required for installing the software product on the client computer. The setup program running on the client computer determines whether some current or earlier versions of those files required for installation already exist on the client computer, and compiles a download request with a list of files needed for updating the client to provide the required installation files. The download request is automatically sent to a second server (which may be the same as the setup server) that stores a collection of update data, such as files and patches. The second server, in response to the request, prepares update files corresponding to the requested files and downloads them to the client. The downloaded files may or may not be exactly the requested files. Using the downloaded files, the setup program updates the existing files to create the set of installation files for the revised software product on the client computer. The revised software product is then installed on the client computer.

As indicated in the above portion of McGuire, the purpose of McGuire is to identify data that does not need to be updated to a receiving computer because the data was already on the receiving computer. For example, a first computer may include files A, B and C that make up a program version 1. A server may include program version 2 that is comprised of files A', B' and C. At the onset of the installation process, the server sends the receiving computer a setup program that list the files that it has for version 2 of the program (e.g., files A', B' and C). The receiving computer then checks it own files (e.g., files A, B and C) and sends the server computer a request indicating that it only needs files A' and B' because file C already exists on

the receiving computer and therefore downloading would be redundant. The serving computer then prepares a download package that would include files A' and B' without the redundant C file. This package is then downloaded to the receiving computer. The system in McGuire is to mitigate any redundancy in the downloading of files between versions of programs. McGuire merely teaches that the setup program that is sent to the receiving device includes a list of files that are required for version 2 of the program. McGuire does not teach or mention that this program is a manifest file as claimed. As such, McGuire cannot possibly teach that the manifest file mandates that each of the plurality of resources of the resource group complete a transmission between the resource supplying computer device and a resource receiving computer device and exist on the resource receiving computer device before granting access to any of the plurality of resources of the resource group on the resource receiving computer device. Again, the setup program includes a proposed list of files to install on the receiving computer. It does not mandate how the installation takes place. Applicants can find no remedy for this lack of teaching in Blackwell. The manifest in Blackwell pertains to verification as to the corruptness of a file set.

Independent claim 1 continues by reciting "generating a change order on the resource supplying computer device, wherein *__the change order includes an indicator that the change order is associated with the manifest file__*." To support the above feature, the Office Action cites to column 4, lines 15-36, of McGuire. Column 12, lines 42-67, of McGuire recites as follows:

By way of example, FIG. **8** shows a portion of the Files on svcpacks.microsoft.com in the nt4sp5\USA\x86 directory. For the first file in the request, CHKNTFS.EXE, the server looks for and finds a file named CHKNTFS.EXE_ BD23014729AD8940282FF2AAC2392041.P, a patch that will fit the file on the user's system, and adds this file to the list of files to be sent. Similarly, the server is able to locate a patch file for CPQARRAY.SYS. For E100B.SYS, the server is not able to locate the file E100B.SYS_ D49BB53612C639E36E05B941B1BF4AA9.P, suggesting that the user's system contains an unexpected version— perhaps from a beta release or a different vendor. The first fallback option is to look for a compressed file, E100B.SY_, which is found and queued. If that file had not been found, the next choice would be to look for the uncompressed file E100B.SYS. The patches for NTKRNLMP.EXE and OLE32.DLL are found and queued for inclusion in the return package **160**.

In the case of the request for REGSVR32.EXE, no hash was included, so the server does not look for a patch file, even though several are available. This could occur because the user's system did not have any existing file (as in this case) or because a patch file had been previously received but could not be applied correctly. The file REGSVR32.EX_ is queued. A patch for the user's file WSOCK32.DLL with the given hash value of

Here, McGuire is teaching the identification, on the server, of a file in the request (e.g., CHKNTFS.EXE). The server identifies the file on the server and adds the file to the list of files to be sent to the receiving computer. This teaching in no way implicates a manifest file as defined in the claims. Again, the manifest file "mandates that each of the plurality of resources of the resource group complete a transmission between the resource supplying computer device and a resource receiving computer device and exist on the resource receiving computer device before granting access to any of the plurality of resources of the resource group on the resource receiving computer device." The teaching in McGuire pertains to identification of the files that

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are to be downloaded to the receiving computer. With regard to Blackwell, applicants can find no teaching or suggestion to remedy the lack of teaching in McGuire. The manifest in Blackwell pertains to verification as to the corruptness of a file set.

Independent claim 1 continues by reciting "causing *the manifest file to be reproduced* at the resource receiving computer device." The Office Action cites to column 4, lines 15-36, and states that the "manifest file" is read on "installation/update package." This reading is unwarranted. The rejection of this feature does not take into account the rest of the features in the claim. The manifest file is recited in the claim as mandating that each of the plurality of resources of the resource group complete a transmission between the resource supplying computer device and a resource receiving computer device and exist on the resource receiving computer device before granting access to any of the plurality of resources of the resource group on the resource receiving computer device. As previously indicated, the installation/update package includes a list of files that are required for installation to get version 2 of the software. Nothing more is this regard is recited in McGuire. With regard to Blackwell, applicants can find no teaching or suggestion to remedy the lack of teaching in McGuire. The manifest in Blackwell pertains to verification as to the corruptness of a file set.

Independent claim 1 further continues by reciting that:

> in response to the manifest file being reproduced at the resource receiving computer device, beginning a replication operation, wherein the replication operation includes *a transfer duration* during which each of the plurality of resources of the resource group are being transmitted between the resource supplying computer device and the resource receiving computer device; and
>
> *during the transfer duration*:
>
>> identifying whether each resource identified in the manifest file has *completed transmission and exists* at the resource receiving computer device by comparing each resource of the resource group identified in the manifest file to a database that identifies resources of the resource receiving computer device;
>>
>> when each resource of the resource group identified in the manifest file has *not completed transmission and does not exist* at the resource receiving computer device, *preventing access to all resources of the*

> *group identified in the manifest file regardless of whether any resources of the group have completed transmission and exist on the resource receiving computer device*; and

> *only when* each resource of the resource group *identified in the manifest* file has *completed transmission and does exist* at the resource receiving computer device, *updating the system registry to include all the resources of the resource group*.

The above combination of features is not taught or suggested by the cited references. As indicated in the above portion of claim 1, claim 1 recites a transfer duration and several features *taking place during the transfer duration*. The features that take place during the transfer duration are *dependent on the manifest file* and a determination if all of the files of the group have completed transmission before allowing access to any of the files regardless of whether any have completed the transmission. In column 7, lines 30-42, McGuire merely indicates that files are transferred. McGuire does not indicate what takes place during the transfer duration and a dependence on the manifest file. Again, as indicated above, McGuire teaches that the installation package (the feature that the Office Action is analogizing to the manifest file) includes a list of files that are needed for a program. As indicated in McGuire, the list of files in the installation package may not even be relevant to the download because the files have not yet been compared to what exists on the receiving device. For example, suppose that installation package identifies that version 2 includes files A, B, and C. If the receiving device already has files A, B, and C, then further processing would not take place. This lack of teaching is not remedied by Blackwell. Blackwell teaches that "[t]o further integrate and automate the way in which data files are <u>verified</u> and used once received at the data reception facility 24 (FIG.1), a manifest process 202 is provided as illustrated in FIG. 9." *Blackwell* at col. 15, lines 49-53. Blackwell continues by teaching "Once manifest process 202 has begun at step 204, step 206 of manifest process 202 constructs, at data transmission facility 20 (FIG. 1), a manifest that list information regarding data files which RPC request 87 (FIG. 2) *have been* received." *Blackwell* at col. 15, lines 56-59. The manifest is used to make sure that within the set of received files that there are no missing or corrupt files. The features associated with the manifest in Blackwell are not associated with the "transfer duration" as indicated in the claim. Moreover, Blackwell does

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not indicate features occurring during the "transfer duration." Accordingly, applicants assert that independent claim 1 is clearly allowable over the cited references.

Independent claim 18 includes the following combination of features that is not taught or suggested by the cited references:

> receiving a change order on a second member, wherein the change order includes an indicator that the *change order is associated with a manifest file*, wherein the manifest file includes an identifier of each of a plurality of resources of a resource group that exists at a first member, *wherein the manifest file mandates that each of the plurality of resources of the resource group complete a transmission between the first member and a second member and exist on the second member before granting access to any of the plurality of resources of the resource group*;
>
> identifying, from the indicator, that the change order is associated with the manifest file;
>
> causing the manifest file to be reproduced at the second member;
>
> in response to the manifest file being reproduced at the second member, beginning a replication operation, wherein the replication operation includes a *transfer duration* during which each of the plurality of resources of the resource group are being transmitted between the first member and the second member; and
>
> *during the transfer duration*:
>
>> identifying whether each resource identified in the manifest file has *completed transmission* and exists at the second member by comparing each resource of the resource group identified in the manifest file to a database that identifies resources of the second member;
>>
>> when each resource of the resource group identified in the manifest file has *not completed transmission and does not exist at the second member, preventing access to all resources of the group identified in the manifest file regardless of whether any resources of the group have completed transmission and exist on the second member*; and
>>
>> when each resource of the resource group identified in the manifest file has *completed transmission and does exist at the second member, providing access to all the resources of the resource group*.

With regard to independent claim 18, applicants rely on the arguments set forth above in association with independent claim 1. The references do not teach or otherwise suggest the combination of above features. Reconsideration is respectfully requested and allowance of the claim is solicited.

Independent claim 25 includes the following combination of features that is not taught or otherwise suggested by the cited references:

a processor; and

a memory having computer-executable instructions configured to:

receive a change order on a second member, wherein the change order includes an indicator that the *change order is associated with a manifest file*, wherein the manifest file includes an identifier of each of a plurality of resources of a resource group that exists at a first member, *wherein the manifest file mandates that each of the plurality of resources of the resource group complete a transmission between the first member and a second member and exist on a the second member before granting access to any of the plurality of resources of the resource group*;

identify, from the indicator, that the change order is associated with the manifest file;

cause the manifest file to be reproduced at the second member;

in response to the manifest file being reproduced at the second member, begin a replication operation, wherein the replication operation includes a *transfer duration* during which each of the plurality of resources of the resource group are being transmitted between the first member and the second member; and

during the transfer duration:

identify whether each resource identified in the manifest file has *completed transmission* and exists at the second member by comparing each resource of the resource group identified in the manifest file to a database that identifies resources of the second member;

when each resource of the resource group identified in the manifest file has *not completed transmission and does not exist at the second member, prevent access to all resources of the group identified in the manifest file*

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regardless of whether any resources of the group have completed transmission and exist on the second member; and

when each resource of the resource group identified in the manifest file has *completed transmission and does exist at the second member, provide access to all the resources of the resource group*.

With regard to independent claim 25, applicants rely on the arguments set forth above in association with independent claim 1. The references do not teach or otherwise suggest the combination of above features. Reconsideration is respectfully requested and allowance of the claim is solicited.
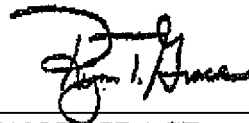
With regard to the dependent claims, the dependent claims include features that are not taught or otherwise suggested by the cited references. Furthermore, those claims ultimately depend from the independent claims set forth above. As such, they should be allowable for at least those same reasons.

IV. Request for Reconsideration

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicants at the telephone number provided below.

Respectfully submitted,

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